



UNITED STATES DEPARTMENT OF COMMERCE
Pat nt and Trademark Offic

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SH

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/950,826	10/15/97	UEMURA	Y 4041J-000063

HARNESS DICKEY & PIERCE
PO BOX 828
BLOOMFIELD HILLS MI 48303

QM02/0810

EXAMINER

FORD, J

ART UNIT	PAPER NUMBER
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3743

DATE MAILED:

08/10/01

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. <u>08/950826</u>	Applicant(s) <u>Vemina et al.</u>	
	Examiner <u>Ford</u>	Art Unit <u>3743</u>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-30-00 + 6-12-00
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10, 19-24 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10, 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 6-12-2000 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

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Applicant's response of 10-30-2000 (Paper No. 12) and 6-12-2000 (Paper no. 10) have been studied carefully. Mr. Uemura's declaration received 10-30-2000 is satisfactory to answer most of the questions put forth in Paper No. 11. One question remains unanswered. In Mr. Uemura's declaration, paragraph 9, it states JP-A-47831 had a sensor 80 detecting the temperature of the air immediately after having passed through evaporator 31 but that he personally did not know of its location. It is noted that JP-A-47831 is assigned to Nippon Denso Co. LTD, which is believed to be the assignee of the current application. Please inquire of other engineers associated with the development of the JP-A-7-47831 system where the sensor was. It (sensor 80) obviously had to be in one of the upper passageway or the lower passageway immediately behind evaporator 31. Where was it. The duty of disclosure runs to the inventor as well as the assignee and those materially associated with the preparation and prosecution of the application.

The Examiner has turned up US 6,192,698 disclosing similar subject matter. Please provide copies of the three Japanese references cited under foreign patent documents.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8, 10 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over JA '831 or Iritani or Nonoyama in vie of JA '645.

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JA '831 shows all of the claimed structure of claim 1 except some means for adjusting the refrigerant flow to modulate evaporator temperature measured by sensor 80 (which according to declarant Uemura detects the temperature of the air immediately after having passed through evaporator 31) which must necessarily be located within the air conditioner casing somewhere immediately downstream of evaporator 31. No particular significance is attached to the precise location of the sensor and the specification discloses both locations (above or below the partition) have their advantages.

Iritani and Nonoyama, like JA '831, discussed above, show "double-layer" units. Since these patents are all assigned to Denso the Examiner assume applicants' familiarity with them.

JA 6-270645 teaches a regulator for controlling the evaporator temperature as a function of outdoor temperature in the manner claimed in claim 3.

To have adjusted the evaporator temperature in any of JA '831 or Iritani or Nonoyama by a downstream temperature sensor and a suitable compressor capacity regulator to obtain improved mist prevention on the windshield would have been obvious to one of ordinary skill.

Regarding the location of the sensor, applicants have not demonstrated any unexpected result associated with either location.

Claims 1, 3-8, 10 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 1, 3-8, 10 and 19-24 above, and further in view of Fujii.

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Like JA '645, relied upon above, Fujii teaches a need to reduce evaporator temperatures a low outdoor temperatures (especially during rainy weather) to retain the desired dehumidification effect to avoid fogging.

To have used Fujii's evaporator control algorithm in the prior art would have been obvious to permit adequate dehumidifying capacity to be remained as a function of outdoor weather conditions.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

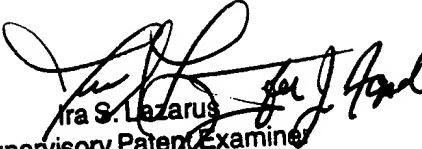
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication should be directed to John Ford at telephone number
(703) 308-2636.

August 8, 2001

J. Ford/els


Ira S. Lazarus
Supervisory Patent Examiner
Group 3700

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a)

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.